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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER OF PATENTS, WASHINGTON, DC 20231, ON THE DATE INDICATED BELOW.

BY: Angela Kyngyal DATE: 12-6-02

**PATENT  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Patent Application of Group Art Unit: 1633  
Darwin J. Prockop *et al.*

Appln. No.: 08/913,918 Examiner: Janet M. Kerr, Ph.D.

Filed: December 8, 1997

Attorney Docket  
No. 9855-14U1  
(209855.0057)  
(TJU-1857)

For: ISOLATED STROMAL CELLS  
AND METHODS OF USING  
THE SAME

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**AMENDMENT**

This Amendment responds to the Office Action mailed June 20, 2000 (Paper No. 19), sent in connection with the above-referenced application.

This Amendment is being timely filed in view of the accompanying Petition for a three month extension of time, which extends the time for a response to the Office Action through and to December 20, 2000.

In response to the Office Action, kindly amend the application as follows.

**In the Claims:**

Please amend claims 37, 38, 56-58, and 65-68, without prejudice, as follows:

37. (Thee times amended) Immunologically isolated marrow stromal cells that comprise a gene construct, said gene construct comprising a nucleotide sequence that encodes a beneficial protein, wherein said gene construct is operably linked to regulatory elements which function in said immunologically isolated marrow